

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MITCHELL ^{E.} DE JESUS SOTO.

CIVIL NO. 17-CV-1979(ADC)

Plaintiff

V.

THE POLICE OF PUERTO RICO

Defendant (s)

COMPLAINT

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U.S. DISTRICT COURT
SAN JUAN, P.R.
2017 JUL 19 PM 2:59

I- Statement of Jurisdiction

Im constant discriminated for my health conditions (diagnosis of Multiple Sclerosis).

- The Defendant consecutively changes my turns hours , and when I solicited my Vacations first said that I doesn't have the days (and I have the balances to take the Vacations. First their approve me 15 days, then 20 days. But its 30 days , and for me their doesn't let me take the 30 days.
- The constant persecution of the Supervisor Haybed Rivera Ortiz, includes the eventos of enter to the gentleman bathroom.
- Doesn't gave me the off days that i request (weekends), when others Polices without any Medical conditions or Family commitments have the weekends regularly fixed. Also doesn't gave my reasonable modifications.

II- Statement of the Parties

Plaintiff:

Mitchell E. De Jesus Soto
PO BOX 1063
Patillas, PR 00723

Defendant:

Agency Executive Michelle Fraley
Head Quarters
Cuartel General
601 Ave. Roosevelt Hato Rey
San Juan, PR
00936-8166

III- Statement of Claims:

I Was consecutively discriminated for the Supervisors of the Comandancia of Guayama.

They doesn't approve Vacations when I request, they doesn't approve the free days that I request , when I inquiry days for my Medical appointments its very difficult, they wants that wrote a Communication explain in it which day and with what Medical Office and Also show the evidence of this appointment.

They doesn't approve me the Bank Deposit of my salary. Im having the days but they said that doesn't have the days.

IV- Statement of Relief:

I suffer a lot of stress for this situation. The supervisors knows that my Medical conditions that needs to be peaceful environment. They consecutively harass me , treats me like i am a dumb and mental illness person. Sometimes my health Was engaged for this stressful and hostile environment. Im very upset. I Want a economical compensation for all the suffering that i pass since I reincorporate. Also wants that the supervisors stop doing harrasme .

The reason why I need to settle at the federal attorney it's because I am object of consecutively discrimination. For my diagnosis of Multiple Sclerosis my co-workers and bosses makes derision.

I was in my job last day on October 20, 2011. I was operated by a neurosurgeon on October 21, 2011. I was on a sick license during the following term: October 21, 2011 to April 24, 2015.

On April 24, 2015 I comes to receive my First evaluation on the Medical Patrol. I show the evidence of my neurólogo. He read but dont shows the attention about it.

On May 2015 I express that I need an evening hourly for makes arrangements to my medical appointments. But in response Mr. Anthony Ortiz Santana responds that I need to embrace the Retirement.

On July 15, 2015 the patron medical makes an evaluation and gave temporary reasonable accommodations with a diagnosis of multiple sclerosis.

On July 17, 2015 the Supervisor begins changes me different turns of work: 3:00 am to 11:00 am, then 11:00 am to 7:00 pm and 7:00 pm to 3:00am. I was working in these schedule changes hours for 3 moths consecutively.

When before I was reincorporated I have the recommendations of my specialist Dr. Angel China Martinez to the Medical Office of the Patron. This first time was on April 2015. They evaluated but assign me to incorporate on the Comandancia de Guayama without any accommodations.

On November 23, 2015 the Supervisor Sgto. Haybed Rivera Ortiz walks and following to me at the gentleman bathroom. And she enters. Then the next day on November 24, 2015 all the Bosses of my division makes me a conference meeting (see the communication #SAOCCG-CM3878). In this meeting was:

Captain Rafael Diaz Casiano, Commander Robinson Vazquez and the Sergeant Haybed Rivera Ortiz.

On this meeting the Captain Rafael Diaz Casiano begins to tremble without a lot of angry when I expose my approaches on each allegations of the Sgt. Haybed Rivera Ortiz.

The purpose of this meeting was to say that I'm insubordinate. I was claiming that Sgt. Haybed Rivera Ortiz doesn't need to enter to a gentle man bathroom to look for me. And she argues to me saying that I was disrespect her, and I express that's she was disrespect me. She told that I need to inform each time that I comes to the bathroom to her. I told that not. And less when the bathroom of this area doesn't are useful. I need to use one with the facilities and hygienic conditions and for that reason I walk to use the baths of the other floors of the Command. Then she indicates that the real reason that she comes to search me was because I order the lunch and the delivery person was waiting long time. And she says that she pays the person. A week after, the same person comes asking me if can pay him the lunch because no body's paid for me my lunch. I gave the money to the person. And confirms that she doesn't paid nothing.

In this same meeting the Inspector Rafael Diaz Casiano notifies me that I have off the Thursdays and Fridays permanently. I dont have the weekends off like my others co-workers. Also notifies me that he doesnt Wants to see me in any "Bar".

On the following days Haybed Rivera makes comments and complaints with other co-workers about me. That I doesn't understand the new system, treat me like if I'm a dumb person. All of these negative comments she makes when I was only one month of reincorporated.

On June 11, 2017 was the plebiscite. With all my medical recommendations the bosses send me to work to beef up on the School of the Cayey District.

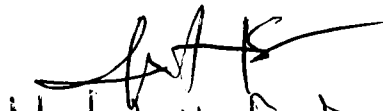
This school was abdicated far away distance: Barrio Cedro. Also in the primary elections on 2016 I was abdicated on the Junta de Inscription Permanente also in Cayey.

The last event was on May 3, 2017 during my labor hours: 11:00am-7:00 pm. Haybed Rivera Ortiz calls me in a very angry voice screams to my arguing why I use a chair that its storage in a room. This chair was donated for me (the Intelligence Office of the CIC, Guayama Regional Office, because all the chairs in my work are in very precarious conditions. Those chairs are donated from the Federal Office (DEA). I explain to her that the Sgt. Marilyn Torres gave me the authorization to use that chair because are in better condition for doing my job.

Sgt. Haybed reclaims that I doesn't have her authorization to use it. She orders that chair disappear of the area. For that consequence my health begins to exarcevated.

I inform the situation immediately to her supervisor Benny Espada. Then recommends that needs to inform to Commander Robinson Vazquez Candelario. On May 23 I suffer a drop in my labor hours for using a chair in very bad conditions. I open a case in the CFSE for my chronic pain in the back for doesn't have the chair. The number of the case is: #17-28-43919-3.

All about this time the Supervisors divulge on my job information with the others co-workers about my diagnosis. Also when I make a report on the EEOC they begin to spread that I make a civil lawsuit action to the Puerto Rico Police Department .


Mitchell E. De Jesus Sotr

July 19, 2017